

FILED

AUG 29 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JULIAN GUZMAN-AYALA,

Defendant - Appellant.

No. 05-10560

D.C. No. CR-05-00427-SRB

MEMORANDUM^{*}

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JULIAN GUZMAN-AYALA,

Defendant - Appellant.

No. 05-10561

D.C. No. CR-05-50087-SRB

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Submitted August 21, 2006**

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

In these consolidated appeals, Julian Guzman-Ayala appeals from the revocation of supervised release, and the guilty-plea conviction and 37-month sentence for re-entry after deportation, in violation of 8 U.S.C. § 1326(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Guzman-Ayala has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief was filed.

In appeal number 05-10560, our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), discloses no grounds for relief for his appeal of the revocation of supervised release. Counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.

In appeal number 05-10561, we dismiss the appeal of his § 1326 conviction in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

knowingly and voluntarily). Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.